

# LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200  
MCLEAN, VIRGINIA 22102  
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS  
DAVID L. NACE  
THOMAS GUTIERREZ\*  
ELIZABETH R. SACHS\*  
DAVID A. LAFURIA  
PAMELA L. GIST  
TODD SLAMOWITZ\*  
BROOKS E. HARLOW\*  
TODD B. LANTOR\*  
STEVEN M. CHERNOFF\*  
KATHERINE PATSAS NEVITT\*

CONSULTING ENGINEERS  
ALI KUZEHKANANI  
LEILA REZANAVAZ  
—  
OF COUNSEL  
GEORGE L. LYON, JR.  
LEONARD S. KOLSKY\*  
JOHN CIMKO\*  
J. K. HAGE III\*  
JOHN J. MCAVOY\*  
HON. GERALD S. MCGOWAN\*  
TAMARA DAVIS BROWN\*  
JEFFREY A. MITCHELL  
ROBERT S. KOPPEL\*

\*NOT ADMITTED IN VA

November 8, 2011

## VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-B204  
Washington, DC 20554

**Re: Notice of Oral *Ex Parte* Communication:**

**WT Docket No. 07-293  
IB Docket No. 95-91  
General Docket No. 90-357  
RM No. 8610**

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. Section 1.1206, we hereby provide you with notice of an oral *ex parte* presentation by Gogo, Inc. ("Gogo") in connection with the above-referenced proceedings. The presentation occurred on November 7, 2001 in a meeting with Linda Chang, Paul Moon and Denise Walter of the Wireless Telecommunications Bureau.

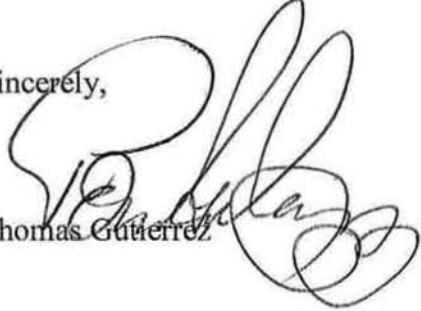
Attending the meeting on behalf of Gogo were Charles Townsend, Director, and Tom Gutierrez, counsel.

At the meeting, Gogo provided the two enclosures hereto. Gogo also explained to the Bureau staff that Gogo could more efficiently utilize WCS spectrum to provide broadband services than can existing licensees; that such service could be provided without interfering with adjacent licensees; that Gogo's use of the spectrum at issue

Marlene H. Dortch, Secretary  
November 8, 2011  
Page 2

would comply with buildout requirements; and that the broadband services to be provided by Gogo are fully consistent with services currently permissible for the WCS.

Sincerely,

  
Thomas Gutierrez

Enclosures

cc: Linda Chang, Esq.  
Paul Moon, Esq.  
Denise Walter



## WCS Overview

- The Commission has included the WCS bands as part of spectrum the Administration has made available for wireless Broadband.
- However, AT&T indicates that the WCS spectrum is unfit for mobile broadband due to current service rules.
- Sirius/XM continues to aggressively oppose any modification of WCS rules that would permit broadband.
- AT&T-Nextwave may well miss the 2014 WCS build-out deadline.



## Gogo Background

- Gogo (formerly Aircell) in-flight wireless Broadband customers have grown dramatically since 2009.
- Current Gogo network covers the entire USA with 120 cell sites and is expanding rapidly.
- Smartphones and iPhones have dramatically increased wireless Broadband use on aircraft.
- Gogo will require significant additional spectrum in next few years or be forced to reduce service.





# Potential WCS Broadband Opportunity

- WCS “C” & “D” blocks use have been contested due to potential interference to Sirius/XM terrestrial receivers.
- Gogo could potentially use the “C” & “D” blocks for Ground-to-Air uplink and the existing ATG frequencies for downlink.
- WCS Guardband for “C”&“D” blocks would eliminate potential interference to Sirius/XM terrestrial receivers.
- “C”&“D” blocks could address Gogo’s capacity issues and put spectrum to use by build-out deadline.



## WCS Proposal

- Current FCC rules do not appear to address potential Air-to-Ground use of WCS spectrum.
- FCC should clarify that the current use of WCS spectrum includes Ground-to-Air base station use.
- FCC should clarify that the build-out requirements for the C&D blocks could apply to Ground-to-Air base stations; ie, 40% coverage by 3/14 and 75% by 9/16
- FCC should clarify that ATG coverage qualifies under current cross border agreements with Canada and Mexico.



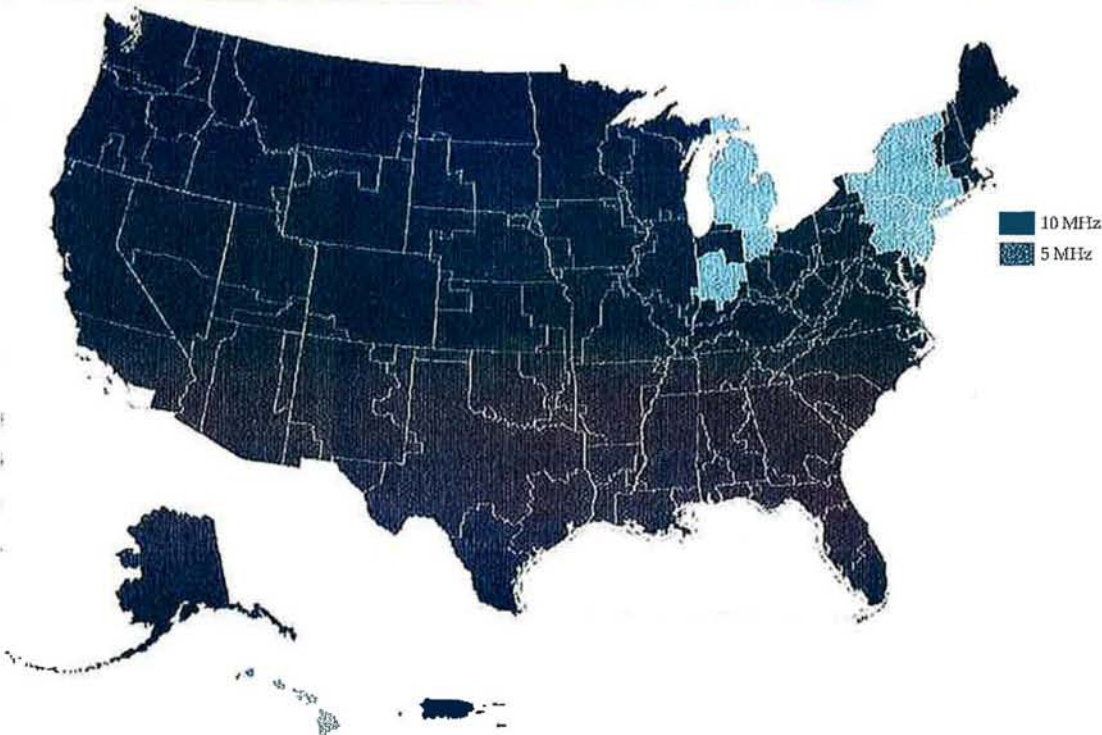


## 2.3 GHz WCS C and D Block Spectrum Licenses

### OVERVIEW OF OFFER TO SELL NATIONWIDE 2.3 GHZ FOOTPRINT

AT&T and NextWave are pursuing a joint sale of their 2.3 GHz Wireless Communications Service ("WCS") C and D block spectrum licenses. The joint sale comprises spectrum covering the entire U.S. population - 10 MHz covering over 80% of the U.S. population and 5 MHz covering portions of the Northeast, Michigan, Indiana and Ohio. The footprint comprises 2.8 billion MHz POPs in total (based on 2010 population data).

### MHz COVERAGE



### SUMMARY INVESTMENT HIGHLIGHTS

- This offering represents an opportunity to purchase broadband spectrum covering the entire U.S. population;
- The 2.3 GHz band is being used globally for mobile broadband services. 4G equipment for the 2.3 GHz band is available today with a global ecosystem developing for both LTE and WiMAX;
- The C and D block WCS spectrum in the U.S. is suited for a wide range of broadband applications including Smart Grid, supplemental downlink for mobile services, fixed commercial and residential broadband, wireless backhaul and one-way broadcast-like services.

### MOELIS & COMPANY

300 N. LaSalle Street, 53<sup>rd</sup> Floor, Chicago, IL 60654  
Tel: (312) 589-3001 | Fax: (312) 589-3002

Stan Holtz - Managing Director  
(312) 589-3010 | stan.holtz@moelis.com

Matt A'Hearn - Senior Vice President  
(312) 589-3018 | matthew.ahearn@moelis.com

### MEDIA VENTURE PARTNERS

244 Jackson Street, 4<sup>th</sup> Floor, San Francisco, CA 94111  
Tel: (415) 391-4877 | Fax: (415) 391-4912

Greg Widroe - Managing Director  
(415) 391-4877 | gwidroe@mediaventurepartners.com

Renee Shaening - Associate  
(415) 391-4877 | rshaening@mediaventurepartners.com